

The Honorable Marc L. Barreca
Chapter 7
Hearing Location: via ZoomGov
Hearing Date/Time: March 23, 2022 at 10:00 AM
Response Due: March 16, 2022
Replies Due: March 18, 2022

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re

TIMOTHY DONALD EYMAN,

Debtor.

NO. 18-14536-MLB

DECLARATION OF S. TODD SIPE IN
SUPPORT OF STATE OF WASHINGTON'S
OBJECTION TO:

1) GOODSTEIN LAW GROUP'S FIFTH
APPLICATION FOR COMPENSATION;
AND,

2) VORTMAN & FEINSTEIN'S FINAL
APPLICATION FOR COMPENSATION FOR
APRIL 8, 2020 TO DECEMBER 17, 2021

I, S. TODD SIPE, declare as follows:

1. I am over the age of 18 and competent to testify on the matters contained in this declaration and make this declaration based on my personal knowledge. I am an Assistant Attorney General with the Washington State Attorney General's Office, who was one of the attorneys representing the State of Washington (State) in the campaign finance enforcement action that resulted in a judgment against Tim Eyman (Eyman) in Thurston County Superior Court (Case No. 17-2-01546-34). I am also one of the attorneys representing the State in Eyman's appeal of that judgment.

DECLARATION OF S. TODD SIPE IN
SUPPORT OF STATE OF WASHINGTON'S
OBJECTION TO APPLICATIONS FOR
ATTORNEYS' FEES

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- 1 2. On September 14, 2021, the Commissioner of the Washington Supreme Court entered an
2 order denying Eyman's motion for a stay of non-monetary portions of the State's judgment
3 against him pending his appeal. A copy of the Commissioner's September 14, 2021 ruling is
4 attached hereto as **Exhibit A**.
- 5 3. On December 1, 2021, Department I of the Washington Supreme Court unanimously denied
6 Eyman's motion to modify the Commissioner's September 14, 2021 ruling. A copy of
7 Department I's December 1, 2021 order is attached hereto as **Exhibit B**.
- 8 4. On December 8, 2021, Eyman filed a motion for reconsideration of Department I's
9 December 1, 2021 order denying his motion to modify.
- 10 5. The following day, December 9, 2021, the clerk of the Washington Supreme Court sent all
11 counsel a letter stating that because "the Rules of Appellate Procedure do not allow for
12 reconsideration of an order denying a motion to modify", Eyman's reconsideration motion
13 "is rejected for filing." A copy of the Clerk of the Supreme Court's December 9, 2021 letter
14 is attached hereto as **Exhibit C**.
- 15 6. The Goodstein Law Group's Fifth Application for Compensation filed on February 24, 2022
16 includes two entries on December 7, 2021: 5.5 hours for \$2,172.50 and 4.2 hours for
17 \$1,659.00 attributing an undefined portion of that time to their work on Eyman's
18 procedurally improper motion for reconsideration.
- 19 7. One day later, on December 10, 2021, Eyman filed a motion seeking the recusal of the
20 Washington Supreme Court's Commissioner in connection with his ruling denying Eyman's
21 motion for a stay that was substantially similar to his rejected motion for reconsideration.
22 The recusal motion set forth Eyman's displeasure with a single sentence of the
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1 Commissioner's ruling denying Eyman's motion for a stay that was upheld by Department I
2 of the Washington Supreme Court, but contained no allegations suggesting bias or any other
3 reason to question the impartiality of the Commissioner. A copy of Eyman's motion for
4 recusal is attached hereto as **Exhibit D**.

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6 8. Four days later, on December 14, 2021, the Supreme Court's Commissioner denied Eyman's
7 recusal motion stating that Eyman failed to "persuasively show that any reasonable person
8 examining the entirety of the ruling would question the authoring commissioner's
9 impartiality." A copy of the Supreme Court's Commissioner's December 14, 2021 ruling
10 denying Eyman's motion for recusal is attached hereto as **Exhibit E**.

11 9. On January 12, 2022, Eyman filed a motion to modify the Commissioner's December 14,
12 2021 Order Denying Recusal with the Washington Supreme Court. A copy of Eyman's
13 January 12, 2022 motion to modify is attached hereto as **Exhibit F**.

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15 10. On February 1, 2022, the State filed its response to Eyman's January 12, 2022 motion to
16 modify requesting that the Washington Supreme Court deny the motion and "consider
17 admonishing [Eyman's] counsel that making baseless accusations in the future risks
18 sanctions." A copy of the State's February 1, 2022 response to Eyman's motion to modify
19 is attached hereto as **Exhibit G**.

20
21 11. On February 8, 2022, Eyman's Counsel filed a letter to the Clerk of the Washington Supreme
22 Court requesting that their January 12, 2022 motion to modify be stricken. A copy of Eyman
23 counsel's February 8, 2022 letter to the Clerk of the Washington Supreme Court is attached
24 hereto as **Exhibit H**.

1 12. On February 11, 2022, the Washington Supreme Court granted Eyman's request to strike his
2 January 12, 2022 motion to modify. A copy of the Washington Supreme Court's ruling
3 striking Eyman's motion to modify is attached hereto as **Exhibit I**.

4 13. The Goodstein Law Group's Fifth Application for Compensation filed on February 24, 2022,
5 includes two entries relating to their failed and then abandoned effort for recusal of the
6 Supreme Court's Commissioner. On December 10, 2021, there is an entry for 3.5 hours and
7 \$1,382.50 for which an undefined portion is for "Redrafted motion to recuse". On December
8 14, 2021, there is an entry for .3 hours and \$88.50 for "Receipt and review of order denying
9 Motion to Recuse".
10

11 14. The total amount of fees the Goodstein Law Group attributes all or a portion thereof to its
12 motion for reconsideration and its motion for recusal in its Fifth Application for
13 Compensation is: \$5,302.50.
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15 I declare under penalty of perjury that the foregoing is true and correct.

16 EXECUTED this 16th day of March, 2022.

17 /s/ S. Todd Sipe

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S. TODD SIPE, WSBA No. 23203
19 Assistant Attorney General
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